

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

XENG LO,

Plaintiff,

Case No. 20-cv-695-pp

v.

MILWAUKEE OFFICE
OF CORPORATION COUNSEL,

Defendant.

ORDER REGARDING INITIAL PARTIAL FILING FEE

The plaintiff filed his complaint in this case on June 26, 2020, along with a motion for leave to proceed without prepaying the filing fee. Dkt. Nos. 1, 2. The court sent the plaintiff a letter requiring him to file a trust account statement for the six months preceding the filing of his complaint, dkt. no. 3; the plaintiff filed a motion for extension of time to submit the statement, dkt. no. 5; the court granted that motion, dkt. no. 6; and the plaintiff eventually filed two copies of his trust account statement, dkt. nos. 7, 8.

Based on the trust account statement the plaintiff filed, the court issued an order assessing an initial partial filing fee of \$6 due August 27, 2020. Dkt. No. 9. The court sent the order to the plaintiff at the Milwaukee County Jail and to the Milwaukee County Sheriff's Office. Id.

On August 20, 2020, the court received a letter from the plaintiff giving it permission to take the \$6 initial partial filing fee out of his account. Dkt. No.

11. The return address on the letter was the Milwaukee House of Correction, so the court changed the address on the docket. The court also issued an order telling the plaintiff that it could not arrange payment of the fee on his behalf and ordering the plaintiff to follow the policies at his institution to direct payment of the initial partial filing fee. Dkt. No. 12. The court sent that order to the plaintiff at the Milwaukee House of Correction. Id. The August 27, 2020 due date came and went, and the court did not receive the initial partial filing fee.

On September 9, 2020, the order the court had sent to the plaintiff at the Milwaukee House of Correction was returned as undeliverable; the court learned that the plaintiff had been moved to the Milwaukee County Jail and re-sent the order to him there. Dkt. No. 13.

On September 15, 2020, the court received a second letter from the plaintiff. Dkt. No. 14. The plaintiff indicates that he has been “back and forth” from the House of Correction to the County Jail due to the fact that he has “caught COVID-19.” Id. He apologizes for “being late on the payment,” indicates that he hasn’t been able to access things like phone calls and that his family is having financial issues, asks the court to understand that he’s still sick and trying to get better, says that he’s got the “money in his books now” and again gives the court permission to “come and withdraw the \$6.00 from [his] account.” Id.

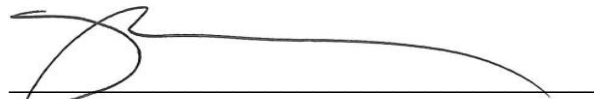
The court reiterates what it told the plaintiff in its previous order (dkt. no. 12). The court cannot arrange payment of the fee on the plaintiff’s behalf.

The plaintiff must follow the policies at his institution and arrange for payment of the \$6 initial partial filing fee as directed by institution personnel. Due to the movement of the plaintiff between institutions and his health concerns, the court will extend the time for the plaintiff to submit the payment.

The court **ORDERS** that the plaintiff must forward the \$6 initial partial filing fee to the Clerk of Court by the end of the day on **October 16, 2020**. Failure to pay the fee by the deadline may result in dismissal of the plaintiff's case.

Dated in Milwaukee, Wisconsin this 16th day of September, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge